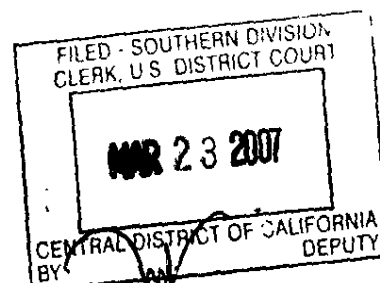


1 SEYFARTH SHAW
2 Timothy F. Haley (pro hac vice)
3 THaley@Seyfarth.com
4 Eric M. Steinert (State Bar No.: 168384)
5 ESteinert@Seyfarth.com
6 David Van Pelt (State Bar No.: 163690)
7 DVANPELT@SEYFARTH.COM
8 2029 Century Park East, Suite 3300
9 Los Angeles, California 90067-3063
10 Telephone: (310) 277-7200
11 Facsimile: (310) 201-5219
12
13 Attorneys for Defendant
14 FREEDOM COMMUNICATIONS, INC.
15 dba THE ORANGE COUNTY REGISTER



Priority _____
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16 CALLAHAN & BLAINE
17 A Professional Law Corporation
18 Daniel J. Callahan (State Bar No.: 91490)
19 Daniel@Callahan-law.com
20 Michael J. Sachs (State Bar No.: 134468)
21 Michael@Callahan-law.com
22 Javier Van Oordt (State Bar No.: 184879)
23 JVanOordt@Callahan-law.com
24 Kathleen L. Dunham (State Bar No.: 98653)
25 KDunham@Callahan-law.com
26 3 Hutton Centre Drive, Ninth Floor
27 Santa Ana, California 92707
28 (714) 241-4444/(714) 241-4445 [FAX]

16 COHELAN & KHOURY
17 Timothy D. Cohelan (State Bar No.: 60827)
18 TCohelan@Ck-Lawfirm.com
19 Isam C. Khoury (State Bar No.: 58759)
20 IKhoury@CK-Lawfirm.com
21 Michael D. Singer (State Bar No.: 115301)
22 MSinger@CK-Lawfirm.com
23 Peggy Reali (State Bar No.: 153102)
24 PReali@CK-Lawfirm.com
25 605 "C" Street, Suite 200
26 San Diego, CA 92101
27 (619) 595-3001/(619) 595-3000 [FAX]

28 Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOCKETED ON CM

MAR 30 2007

BY 024

STIPULATION RE: REMAND

LOGGED

2007 MAR 22 PM 3:52

SACU 06-1244

19

1 NELSON GONZALEZ, MARCO
2 GARCIA, REYMUNDO GARCIA,
3 AYMER AVILA, JULIAN NUNEZ,
4 LUIS A. ARTEAGA, JUAN CARLOS
5 TORRES, ROBERTO LOPEZ, AND
6 NESTOR ALVAREZ, on their own
7 behalf and on behalf of all others
8 similarly situated,

9 Plaintiff,

10 v.

11 FREEDOM COMMUNICATIONS,
12 INC. DBA THE ORANGE COUNTY
13 REGISTER, a California corporation;
14 and DOES 1 through 50, inclusive,

15 Defendant.

Case No. **SACV06-1244 CJC**
(MLGx)

Judge: Cormac J. Carney
Dept.: 9B
(OCSC Case No. 03CC08756, CX
101)

Complaint Filed: July 7, 2003
Trial Date: No Date Set

**STIPULATION RE: REMAND;
[PROPOSED ORDER]**

16 WHEREAS, the parties acknowledge and agree that Plaintiffs filed a Third
17 Amended Complaint in this action in this Court on or about March 6, 2007;

18 WHEREAS, the parties acknowledge and agree that Plaintiffs have
19 voluntarily dismissed all claims for employee benefits under any of Defendant's
20 benefits plans, including those governed by the Employee Retirement Income
21 Security Act of 1974, 29 U.S.C. §§ 1001, et seq. ("ERISA");

22 WHEREAS, the parties acknowledge and agree that the Court should find
23 such dismissal of all claims for employee benefits by Plaintiffs to be without
24 prejudice;

08-20-07

11:12am

From-SEYFARTH SHAW

310-201-5218

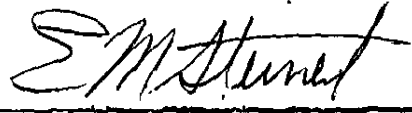
474 P.005/008 F-888

1 NOW, THEREFORE, THE PARTIES HERETO STIPULATE: (1)
2 Paragraph Three of the Prayer for Damages shall be stricken from the Third
3 Amended Complaint; (2) The case should be remanded forthwith to Orange
4 County Superior Court, Complex Division; (3) Defendant shall have thirty (30)
5 days from the effective date of the remand to answer or otherwise respond to the
6 Third Amended Complaint.

8 DATED: March 22, 2007

SEYFARTH SHAW

By


Eric M. Stemert
Attorneys for Defendant
FREEDOM COMMUNICATIONS,
INC. DBA THE ORANGE COUNTY
REGISTER

14 DATED: March 21, 2007

CALLAHAN & BLAINE

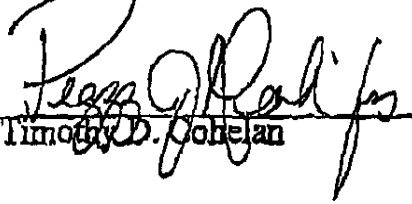
By


Javier Van Oordt

18 DATED: March 20, 2007

COHELAN & KHOURY

By


Timothy D. Cohehan
Attorneys for Plaintiffs
NELSON GONZALEZ, REYMUNDO
GARCIA, AYMER AVILA, JUAN
CARLOS TORRES, AND JULIAN
NUNEZ

ORDER

The Court hereby orders as follows:

On or about February 26, 2007, the Court denied Plaintiffs' Motion to Remand in this matter. At the hearing on Plaintiffs' Motion to Remand, the Court granted Plaintiffs leave to file a Third Amended Complaint. On or about March 6, 2007, Plaintiffs filed a Third Amended Complaint in this action.

The Court has reviewed the Third Amended Complaint, and determines that Plaintiffs have voluntarily dismissed any claim for employee benefits under any of Defendant's benefits plans, including those governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001, et seq. ("ERISA"). The Court finds that no federal claim is pled in Plaintiffs' Third Amended Complaint and, therefore, that no basis exists for federal jurisdiction in this matter.

Accordingly, this case is ordered remanded to the Orange County Superior Court, Complex Division. The Parties have stipulated that Defendant shall have thirty (30) days from the effective date of remand to answer or otherwise respond to the Third Amended Complaint.

IT IS SO ORDERED

DATED: *March 23, 2007*

By


JUDGE OF THE UNITED STATES
DISTRICT COURT, CENTRAL
DISTRICT OF CALIFORNIA

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
 3) ss
 4 COUNTY OF LOS ANGELES)

5 I am a resident of the State of California, over the age of eighteen years, and not a party
 6 to the within action. My business address is Seyfarth Shaw LLP, 2029 Century Park East, Suite
 7 3300, Los Angeles, California 90067-3063. On March 22, 2007, I served the within document:

8 **STIPULATION RE: REMAND; [PROPOSED] ORDER**

9 ☐ I sent such document from facsimile machine (310) 201-5219 on March 22, 2007. I
 10 certify that said transmission was completed and that all pages were received and that
 11 a report was generated by facsimile machine (310) 201-5219 which confirms said
 12 transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this
 13 action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the
 14 parties listed below.

15 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
 16 fully prepaid, in the United States mail at Los Angeles, addressed as set forth below.

17 ☐ by personally delivering the document(s) listed above to the person(s) at the
 18 address(es) set forth below.

19 ☐ by placing the document(s) listed above, together with an unsigned copy of this
 20 declaration, in a sealed Federal Express envelope with postage paid on account and
 21 deposited with Federal Express at Los Angeles, California, addressed as set forth
 22 below.

23 ☐ by transmitting the document(s) listed above, electronically, via the e-mail addresses
 24 set forth below.

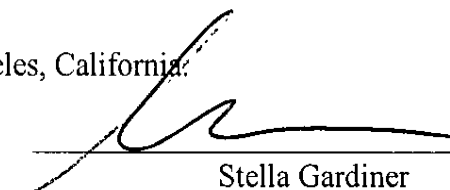
25 Timothy D. Cohelan/Isam C. Khoury/Michael D. Singer/Peggy Reali
 26 Cohelan & Khoury
 27 605 "C" Street, Suite 200
 28 San Diego, CA 92101

Daniel J. Callahan/Michael J. Sachs/Javier Van Oordt/Kathleen L. Dunham
 Callahan & Blaine
 3 Hutton Centre Drive, Suite 900
 Santa Ana, California 92707

I am readily familiar with the firm's practice of collection and processing correspondence
 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
 motion of the party served, service is presumed invalid if postal cancellation date or postage
 meter date is more than on day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above
 is true and correct.

Executed on March 22, 2007, at Los Angeles, California:


 Stella Gardiner